

France: ‘There is a need to link traditional human rights organisations to those grown out of visible minorities’

As part of our 2018 report on the theme of [reimagining democracy](#), we are interviewing civil society activists and leaders about their work to promote democratic practices and principles, the challenges they encounter and the victories they score. CIVICUS speaks to Jean-Marie Fardeau, national delegate of Vox Public, a French civil society organisation (CSO) created in 2016 to support and accompany citizen initiatives aimed at influencing public policies to reduce social injustices, discrimination and corrupt practices.



A recent [poll](#) by Sciences Po Paris showed that French citizens’ trust in organisations (around 60 per cent) is relatively low compared to other institutions. As a CSO member, does this surprise you?

No, I'm not too surprised because we all know at least one example of an organisation that works poorly, or where one wonders whether the money goes towards communications rather than actions. If we did a more targeted survey about international solidarity associations (so-called ‘humanitarian’ organisations), for example, I think we would find a higher level of trust. Any generalisation about French civil society is very risky

to make, but the current context is not helping. Several politicians, including our President, Mr Macron, have publicly criticised CSO work, in particular that of organisations working with migrants in Calais or the Mediterranean Sea. This kind of criticism creates an unfortunate climate of distrust towards the non-governmental actors.

A year after the election of President Emmanuel Macron and the victory of his party, En Marche, in the legislative elections, is it accurate to say that the electoral process was the equivalent of a political earthquake?

I am not an expert in political science, but I think that yes, the marginalisation of traditional political forces, both right and left, was a political earthquake. A political earthquake but not an institutional earthquake since the culture of the French State – centralized and unable to sincerely listen the civil society – remains unchanged.

But the 2017 elections were also the expression of a longstanding mistrust of the political world and the system of representation. Its most worrying symptom is the abstention rate - which also explains the strong numbers received by the Front National. The abstention rate reached 43 per cent in the first round of the 2012 legislative elections, following François Hollande's election, and in 2017 it exceeded the 50 per cent mark for the first time: in the first round of the legislative elections it peaked at 51 per cent. Due to the political system, the presidential election is so overvalued in France that the rate of abstention in presidential elections is less symptomatic of this distrust.

What was new in 2017 was that Macron and his movement were able to take advantage of the longstanding collapse of both the Socialist Party and the republican right. They appeared as a possible alternative to these two political forces that in their manners of functioning and forms of participation were extremely remote from the concerns of the population. In the end, Macron was elected after receiving 24 per cent of the vote in the first round. The runoff election was not significant because, fortunately, people vote against the Front National and there is still mobilisation to reject the extreme right, a rejection that is shared by 65 to 70 per cent of French citizens (and which exceeded 80 per cent in 2002, when Jean-Marie Le Pen faced Jacques Chirac in the presidential runoff election).

It is possible to speak of a resistance against the extreme right within French society. Well before it happened in the rest of Europe, the rise of a far-right party in France began in 1983. France was peculiar in this way until 2002, when Le Pen qualified for the runoff election. Since then, the rest of Europe has followed this trend. And although France was a forerunner in this field, fortunately there is also a phenomenon of substantial resistance by two-thirds of the French citizenry against this political force.

In short, Macron's alliance between the centre-left and centre-right as an alternative to a left-right cleavage, which was a French trademark for decades, had been long in the

making. For the time being, that system has collapsed under its own weight. Leftist forces rallied to the centre and the right-of-centre of the political spectrum. That was the genius of the Macron campaign. And the second point to note, leaving aside any criticism that could be made of his government, is that his campaign was neither xenophobic nor populist, in the sense of appealing to the least noble feelings that cut through society. He did not fall into the trap that the Front National set for him, contrary to what happened to Nicolas Sarkozy in 2007, when he was receptive to voices from the extreme right. In that sense Macron resembled Hollande, who in 2012 did not cave in either. So it was not Macron's campaign what stirred xenophobia in France. On the other hand, at the level of the political choices of the Macron administration - and those of the Hollande and even the Sarkozy administrations before - it is clear that there is an attempt to attract voters who are responsive to xenophobic discourse, something that is particularly visible in the context of anti-terrorist policies.

How has French civil society reacted to combat rampant xenophobia, racism and Islamophobia? How is this affecting minorities and their organisations in France?

The latest [polls](#) show that xenophobia is not really advancing; it has stayed stable but remains very high - because 30 per cent is way too high! Of course, survey results are sometimes contradictory depending on the questions asked and the context in which they are asked. But there's no room for complacency. We fight against this every day.

There is a whole debate about whether there is structural racism, state-sanctioned racism in France. Does the state, through its policies and choices, maintain a multi-speed society in which people of foreign origin are considered as second-class citizens? Several organisations have formed and mobilised around this issue, advocating for recognition of the plurality and multiculturalism of French society, and the specific contributions that people of foreign descent make to this society. Many of these groups, such as [Les Indivisibles](#) (until 2015) and the [Collectif contre l'Islamophobie en France](#) (CCIF), have gained influence. They have been able to affirm their difference and their singularity and demand that the discrimination of which they are victims be recognised as such.

It is worth noting that this is happening in a country whose authorities still claim that there are no distinct communities and no segregation and that regardless of whether we are black, North African, or from the Auvergne, we are all equal citizens. However, every single day reality proves the opposite. The gap is growing between those who continue to convey the myth of a Republic that is one and indivisible (which should be the case), and those who seek recognition for the fact that many citizens of today's Republic are not respected due to their origins. These communities are increasingly determined to defend their rights and their very existence within society, in reaction to this society that rejects them. Debate on this issue of origins and multiculturalism, or its rejection, is highly polarised, and even more so as many on the right and extreme right constantly refer to

the France's Christian roots. All this contributes to a poisoned debate on secularism, a euphemism used to denounce the presence of Islam in France. Our society must recognise that in France there are currently between five and eight million people who are Muslim by religion or culture.

As an example, activist organisations have organised workshops or meetings exclusively for black people, and this has been denounced as a renunciation of the republican values of tolerance, openness and respect for others. This has happened even when these meetings were organised simply to enable these groups and people to meet, discuss their problems and decide how they could organise to advocate for their rights. We have reached a point where groups feel the need to self-organise according to their origins or their religion in order to expect that their point of view will eventually be heard and respected.

More traditional rights advocacy organisations are struggling to connect with these new forms of organisation, which come from and function within lower-class neighbourhoods. Those organisations have institutionalised and deliver generic messages on human rights and fundamental freedoms, which is of course necessary, but these messages are often disconnected from the daily struggles of the people who are discriminated against. It is not enough anymore to declare that 'racism is bad!'; their struggle should be connected to the concrete reality of people living in poor neighborhoods. Our challenge at Vox Public is to help strengthen ties and build bridges between the more institutional and traditional human rights organisations and these new civil society actors grown out of so-called visible minorities.

Are there any visible changes, positive or negative, regarding fundamental rights and freedoms in France, and particularly regarding the freedoms of association, peaceful assembly and expression?

Restrictions on these rights do not date back to Macron's election, but to the state of emergency put in place after the terror attacks of November 2015 and the strong pressure of the government to limit certain freedoms in the name of security. That's poison instilled by, and in a way the victory of, terrorist groups. According to the polls, this principle of less freedom in exchange for more security is accepted by a large majority of French citizens, to whom the authorities have explained that this is the only way to react to an unpredictable and diffuse threat. I am convinced that the prescribing power of political leaders is considerable, and people tend to trust the authorities who represent order and security.

Looking at the limits on the right to demonstrate and the right to come and go, the closure of a few associations and mosques that were considered to be too close to the Muslim Brotherhood or Salafist groups, the question is, given that what was at stake was a

limitation of a fundamental freedom, were these decisions proportionate? Were alternatives to these administrative measures even contemplated?

Regarding the right to demonstrate, what was most shocking was the use of a declared state of emergency to limit protests during the debate on the Labour Law and during the COP21 climate change summit in Paris. These restrictions were accompanied by the [house arrest](#) of environmental activists, including an obligation to check in with the police several times a day, which prevented them from attending demonstrations, even though these people were not accused of having any connection whatsoever with terrorism. In more diffuse and less visible ways, repression and administrative harassment against activists have taken place in the marginalised urban peripheries for years, for instance, in the form of police control over mosques and the denunciation of the activities of certain Muslim organisations. This became blatant during the early days of the state of emergency, when there were thousands of searches targeted at Muslim people who had no connection with terrorism. Some environmental activist organisations have experienced the police violence, repression and administrative harassment, the failure to respect the rule of law and the militarisation of the public order routinely experienced by marginalised minorities in our country.

Of course, the Macron government has taken a heavy responsibility when turning the provisions of the state of emergency into common law, thereby reducing the rule of law. The state of emergency became permanent, especially for the communities - primarily Muslim - that are de facto targeted by these measures. In this regard, CSOs, both old and new, have been very vocal. Immediately after the state of emergency was declared in late 2015, large CSO coalitions denounced the two most shocking measures that the Hollande administration wanted to enact, namely the deprivation of nationality for dual-nationality individuals convicted of acts of terrorism and the enshrinement of the state of emergency into the constitution. These measures were abandoned due to pressures from civil society and a part of the political system. Later, in 2017, when Macron said he wanted to integrate the state of emergency into ordinary law, there was a strong reaction from CSOs, and particularly from those that are part of the Vox Public-led network on antiterrorism, rights and freedoms. This network brings together CSOs including Action Rights of Muslims, Amnesty International - France, CCIF, Human Rights Watch, the League of Human Rights, the Union of the Judiciary and the Union of Lawyers of France. The recommendations and warnings made by these network members were picked up by major French media outlets such as Le Monde and Mediapart. There has been public debate, and the parliamentary debate on the issue has been prolonged and of good quality, with civil society actors trying to influence it as much as they could. Unfortunately, this was not enough to revert the repressive logic embraced by the government, but at least it earned us a small victory, as the latest anti-terrorism law will expire in three years and will then have to be submitted to another vote to remain in force.

The first campaign that your network ran was therefore a relative success. More generally, what successes has French civil society achieved in recent years? And what can it do better?

In the field of antiterrorism, the main victories have been obtained through civil society engagement with the judicial process. At the height of the state of emergency and even now, there have been numerous trials before administrative tribunals to overturn unfounded administrative decisions such as house arrest, or to seek reparations after unreasonable searches. There have been quite a few court victories, and it seems that the judicial route is becoming one of the most effective tools available to defend freedoms. When the executive refuses to listen to civil society directly, the French justice system is still there to remind it that it has gone too far with certain measures.

Another victory, which we hope to consolidate in the coming years, is the famous November 2016 decision by the Cour de Cassation, France's highest court, that confirmed, for the first time in French history, a guilty verdict against the state for discrimination in five cases of 'ethnic profiling'. This was a landmark decision that came after 13 civilians sued the state in civil courts for discrimination in the course of police controls that were found to be abusive - that is, based on the physical appearance and skin colour of the plaintiffs rather than on a reasonable suspicion by the police. In five of those cases, the court found the state guilty of gross negligence, which was quite exceptional. Another trial took place recently, in March 2018, as two young people sued four police officers over cases of violence and abusive controls in Paris' 12th district. Three of the four police officers were given suspended prison sentences and fines. What is new about this is the fact that these judicial procedures were initiated by groups of people willing to denounce abuses resulting from policies implemented and endorsed by the state itself.

The judicial route, even for other, very different struggles, such as those surrounding ill-acquired property, targeting African dictators who embezzled public funds, or the so-called 'Mediator' trial, concerning the sale of a drug that was harmful to health, has become the last resort of civil society to have the law upheld, in the absence of preventative action taken by the state.

Advocacy and other actions undertaken by French civil society have little impact, which reflects an imbalance of power against them and in the benefit of powerful economic and political interests, except when positive ideas or solutions are put forward. For example, a campaign led by ATD-Quart Monde, a CSO, resulted in the adoption of a law allowing experimentation with so-called 'zero long-term unemployment zones'. As a result of this decision, welfare payments to the unemployed in these areas are going to be turned into wages, and communities and businesses are going to hire them. The goal is to offer a rewarding activity that ensures social recognition. Another example of a successful action was a law passed as a result of efforts by a number of international solidarity organisations, such as Sherpa, Transparency and others, establishing a due diligence duty to make large French companies criminally responsible for the activities of their

international sub-contractors. This law came about as a response to the [Rana Plaza tragedy](#) in Bangladesh.

In sum, there are some examples of important normative progress obtained by French civil society, but civil society should still get better organised and be a little more pragmatic in its struggles. This means being able to come together around a specific aim at specific times, pooling strengths to acquire more weight in a country in which their views and proposals remain in the minority in public opinion - which does not mean they are not right. This is what 1,650 organisations, both local and national, have been trying to do since late 2017 with the [Etats généraux des Migrations](#) (general assembly on migration). This process brought together solidarity organisations of exiles opposed to the government-sponsored bill on asylum and immigration that was passed in late July 2018. These associations propose an [alternative vision of openness and solidarity](#) and are active on the frontlines to welcome and take care of migrants. The state has also been convicted several times in Calais and Nice for its ill treatment of migrant persons and has had to make arrangements - such as installing water supply points and showers in camps - in response to court decisions denouncing its contemptible behaviour.

Our other piece of advice for French civil society is to aim for small victories to strengthen the motivation of mobilised actors. When aligned back to back, these small victories allow for the achievement of more important victories. Given the current imbalances of power, certain goals are simply not achievable within two or three years.

Civic space in France is rated as 'narrowed' by the [CIVICUS Monitor](#).

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